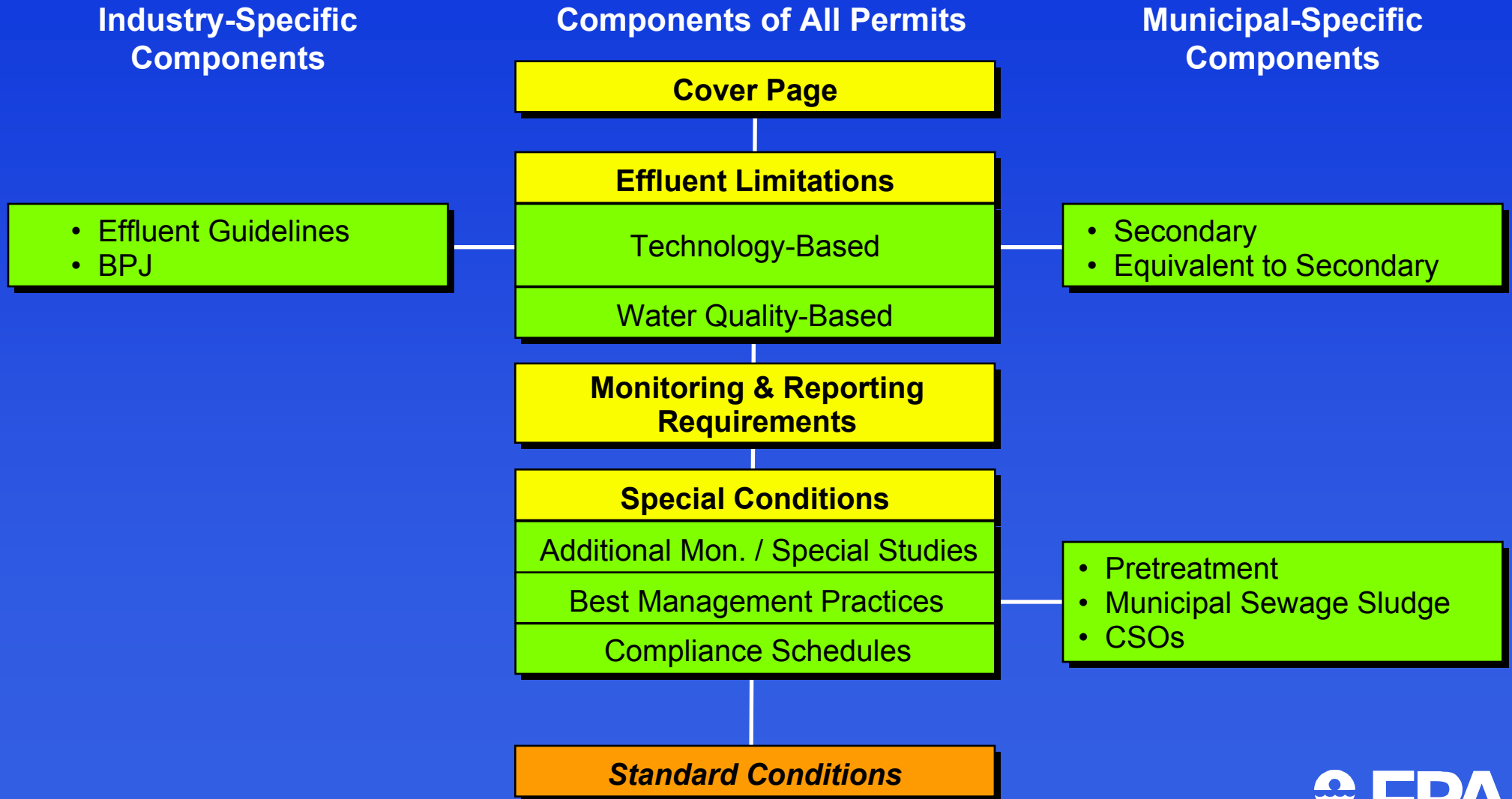

Standard Conditions of NPDES Permits



Permit Components



Learning Objectives

- ◆ Describe the role of “boilerplate” language
- ◆ Discuss methods for placing standard conditions in permits
- ◆ Review the types of standard conditions

Standard Conditions in the Permit

- ◆ 40 CFR §122.41 - Conditions applicable to all permits
- ◆ 40 CFR §122.42 – Additional conditions applicable to specified categories of NPDES Permits
- ◆ Must appear in every NPDES permit
 - Expressly (verbatim)
 - By reference



List of Standard Conditions – 40 CFR §122.41

- a.** Duty to comply
- b.** Duty to reapply
- c.** Need to halt or reduce activity not a defense
- d.** Duty to mitigate
- e.** Proper O & M
- f.** Permit actions
- g.** Property rights
- h.** Duty to provide information
- i.** Inspections and entry
- j.** Monitoring and records
- k.** Signatory requirement
- l.** Reporting requirements
 - 1.** Planned change
 - 2.** Anticipated noncompliance
 - 3.** Transfers
 - 4.** Monitoring reports
 - 5.** Compliance schedules
 - 6.** 24 hour reporting
 - 7.** Other non-compliance
 - 8.** Other information



List of Standard Conditions – continued

- ◆ **Bypass [40 CFR 122.41 (m)]**
 - Intentional diversion of waste streams from any portion of a treatment facility
 - Bypass not exceeding limitations allowed under some circumstances
 - Bypass prohibited otherwise except where:
 - Unavoidable to prevent loss of life, personal injury or severe property damage
 - No feasible alternative exists
 - Facility gives notice before bypass or within 24 hours if bypass is unexpected

List of Standard Conditions – continued

◆ Upsets [40 CFR 122.41 (n)]

- An exceptional incident that causes an unintentional, temporary non-compliance with a technology-based effluent limit
- Constitutes an affirmative defense for violation of technology-based limits
- Conditions necessary to demonstrate upset:
 - Identify cause of upset
 - Facility operated properly
 - Proper notices provided to permitting authority
 - Compliance with appropriate mitigation procedures

Additional Standard Conditions - 40 CFR §122.42

- ◆ **Notification levels for existing non-municipal dischargers**
 - Requirement for toxic pollutants not limited in permit
 - Discharged on routine or frequent basis
 - Discharged on non-routine or infrequent basis
- ◆ **Notification for POTWs**
 - New significant indirect discharger
 - Change in pollutant volume or character of pollutants introduced
- ◆ **Requirements for storm water discharges and CAFOs**

Standard Conditions Game

- ◆ **DISCLAIMER:** There may be more than one standard condition that applies to these scenarios. Please choose the standard condition that most closely tracks this particular situation.

Problem #1

A large East coast city has an advanced treatment plant and is meeting its effluent limits of 5 mg/L BOD, 2 mg/L total nitrogen, and 0.2 mg/L total phosphorous. Yet, their sand filters and primary clarifiers are falling apart! Funds that were originally designated for the treatment plant have been diverted to build a new executive mansion for the mayor. *What standard condition would apply in this situation?*

PROPER OPERATION AND MAINTENANCE 122.41 (e)



Problem #2

Danny's Print Shop is sold to Parker Publishing. On his way out the door, Danny hands to Mr. Parker the key to the front door, all of his unpaid bills, and his NPDES Permit. *With what standard condition is Danny out of compliance?*

PERMIT TRANSFERS 122.41(I)(3)



Problem #3

Dave works for the state permitting authority. A facility manager would not let Dave on-site to see the wastewater treatment process because “...you just can’t trust that guy.” *What standard condition is the manager out of compliance?*

INSPECTION AND ENTRY 122.41 (i)



Problem #4

An essential pump breaks at a wastewater treatment plant. The plant shuts down that treatment unit and diverts the incoming wastewater around the unit while it repairs the pump. The facility maintains compliance with its effluent limits, but does not notify the permitting authority of what it is doing. *Which standard condition relates to this situation?*

BYPASS NOT EXCEEDING LIMITATIONS 122.41 (m) (2)



Problem #5

You work for a permitting authority and send a letter to Danny's Print Shop requesting some monitoring data from two years ago. Danny responds with a note saying, "My dog ate it." *With what standard condition is Danny out of compliance?*

MONITORING AND RECORDS 122.41 (j) [specifically (2)]



Problem #6

A POTW receives notice that a slug of acid has “inadvertently” been dropped into the sewer system and is due to hit the POTW in an hour. If the slug hits the activated sludge unit, the bugs will die and the unit will be inoperable. It will take 3 weeks to get the unit back up. The POTW has no place to store the water and not enough time to neutralize the acid before it enters the plant. To prevent catastrophe, the operator intentionally diverts the wastewater to the receiving stream. *What standard condition relates to this situation?*

BYPASS 122.41(m)(3)



Problem #7

Toxico Inc. is consistently violating its effluent limits. When you, the permitting authority, investigate the situation, the plant manager replies, “Oh, I thought those numbers are a goal. You know, like world peace.” *What standard condition most specifically addresses this situation?*

DUTY TO COMPLY 122.41 (a)



Problem #8

A 100-year storm is heading for downtown _____!! The operator does everything she can to keep the plant operating properly, and has mitigated any problems to the greatest extent possible, but ends up violating the plant's technology based limits. She notifies the permitting authority within 24 hours and has the proper documentation that she tried her best. *With what standard condition has she maintained compliance?*

UPSET 122.41 (n) (3)



Problem #9

Greg and Dave's Photo Shop has been discharging wastewater in compliance with their NPDES permit. They have been good permittees - never violating their limits and always maintaining compliance with their permit. Their permit expired last week, but since everything was going so well and nothing in their process has changed, they figured there was no need to send in a new application. *With what standard condition are Greg and Dave out of compliance?*

DUTY TO REAPPLY 122.41 (b)

